IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:08-cr-00106-W

JEAN SCOTT,)	
)	
Plaintiff,)	
)	
VS.)	ORDER
)	
JOHN POTTER,)	
Postmaster General, US Postal Service,)	
)	
Defendant.)	
)	

THIS MATTER comes now before the Court upon Memorandum and Recommendation (M&R) of United States Magistrate Judge Carl Horn, III, recommending that Defendant's Motion to Dismiss (Doc. No. 3), filed May 30, 2008, be granted in part and denied in part. The time for filing objections as provided in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) has expired, and no objections have been filed by either party.

The district court conducts a *de novo* review of those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(c).

After a careful review of the record, the Court finds that the magistrate judge's findings and recommendations are neither clearly erroneous nor inconsistent with governing law. Thus, the Court

hereby accepts the M&R of Magistrate Judge Horn and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Dismiss (Doc. No. 3) be GRANTED in part as to Plaintiff's Title VII racial discrimination claim and DENIED in all other respects.

IT IS SO ORDERED.

Signed: July 22, 2008

Frank D. Whitney

Thithey United States District Judge